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**CONFIRMATION
TELEPHONE:**

FROM: Joseph A. Powers

DIRECT DIAL: 215.979.1842

DATE: September 15, 2005

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TOTAL # OF PAGES: 9
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PATENT

N1280-00025 2005 SEP 16 11 30 20

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re application of: Y-Lung Chen et al.

Examiner: Richard A. Booth

Serial No.: 10/716,818

Group Art Unit: 2812

Filed: November 19, 2003

Confirmation No.: 8692

For: **METHOD AND SYSTEM FOR FABRICATING A COPPER BARRIER LAYER
WITH LOW DIELECTRIC CONSTANT AND LEAKAGE CURRENT**CERTIFICATION UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence and the documents referred to as attached therein are being sent via facsimile transmission to (571) 273-6500 under 37 C.F.R. §1.8.

Dated: 9/15/05Joseph A. Powers
Joseph A. Powers, Esq.
(Reg. No. 47,006)Office of Finance
Commissioner for Patents
Alexandria VA, 22313-1450

Sir:

REQUEST FOR REFUND

Please note that our Deposit Account No. 04-1679 was charged \$450.00 for a two-month extension of time on July 5, 2005 for a response filed on June 28, 2005 to a Restriction Requirement dated April 13, 2005 even though the Patent Office clearly indicated a response time of three (3) months. A copy of the Office Action and Monthly Deposit Account Statement is attached with the charges highlighted.


PATENT

N1280-00025

A refund is respectfully requested.

Respectfully submitted,

Dated: 9/15/05


Joseph A. Powers, Reg. No.: 47,006
Attorney For Applicant(s)

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,818	11/19/2003	Yi-Lung Cheng	N1085-00147	8692
8833	7590	04/13/2005	EXAMINER	
DUANE MORRIS, LLP			BOOTH, RICHARD A	
IP DEPARTMENT			ART UNIT	
ONE LIBERTY PLACE			FAPER NUMBER	
PHILADELPHIA, PA 19103-7396			2812	

DOCKETED

as restriction, correct?

DATE MAILED: 04/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/718,818	CHENG ET AL	
	Examiner	Art Unit	
	Richard A. Booth	2812	

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on ____.

2a) ☐ This action is FINAL. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1-26 is/are pending in the application.

4a) Of the above claim(s) ____ is/are withdrawn from consideration.

5) ☐ Claim(s) ____ is/are allowed.

6) ☐ Claim(s) ____ is/are rejected.

7) ☐ Claim(s) ____ is/are objected to.

8) ☒ Claim(s) 1-26 are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. ____.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/US) Paper No(s)/Mail Date ____

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date ____

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: ____

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DETAILED ACTION***Election/Restrictions***

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-13 and 24-26, drawn to a method of making metallization, classified in class 438, subclass 687.
- II. Claims 14-23, drawn to a semiconductor device, classified in class 257, subclass 1+.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case, the product as claimed can be made by another and materially different process, for instance, instead of generating an opening as specified in claim 1 the layers could be selectively deposited so that the opening is already generated.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

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Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard A. Booth whose telephone number is (571) 272-1668. The examiner can normally be reached on Monday-Thursday from 7:30-6:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Lebentritt can be reached on (571) 272-1873. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the ~~Private PAIR system~~, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Richard A. Booth
Primary Examiner
Art Unit 2812

April 7, 2005



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Account No.	041679
Date	7-29-05
Page	1

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7 1 05	3	10791044	N1280-00070	1201	600.00	583.1600
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7 5 05	196	10677929	N1085-00154	1501	1400.00	34594.84
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7 5 05	199	11170519	D1815-00117	1111	500.00	33494.84
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7 5 05	1625	78401164	09147-06315	7003	200.00	32609.84
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7 6 05	17	6402902		9204	-450.00	32819.84
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7 6 05	22	10349234	055013	1504	300.00	31119.84
7 6 05	30	29195441	3201-368/5091-D	1502	800.00	30319.84

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